

**UNITED STATES OF AMERICA  
DEPARTMENT OF TRANSPORTATION  
FEDERAL AVIATION ADMINISTRATION  
RENTON, WASHINGTON 98055-4056**

In the matter of the petition of

**Boeing Netjet Charter Company L.L.C.**

for an exemption from § 25.813(e) of Title 14,  
Code of Federal Regulations

**Regulatory Docket No. FAA-2003-14566**

**DENIAL OF EXEMPTION**

By letter dated January 6, 2003, Mr. Ernest Gurrieri, Director of Maintenance, Boeing Netjet Charter Company L.L.C., 130 Signature Way, East Granby, Connecticut 06026, petitioned for an exemption from the requirements of § 25.813(e) of Title 14, Code of Federal Regulations (14 CFR). The petitioner has requested the exemption in order to permit the installation of interior doors between passenger compartments in the Boeing Model 737-700 IGW airplane for use in on-demand charter service as prescribed by 14 CFR part 135.

**Sections of the FAR affected:**

Section 25.813(e) prohibits the installation of doors between passenger compartments.

**The petitioner's supportive information is as follows:**

**“GENERAL BACKGROUND**

“Boeing Netjet Charter Company L.L.C. (“BNJC”) is a Delaware Limited Liability Company formed as a result of a joint venture agreement between BNJ Netjets, Inc. a Delaware corporation and wholly owned subsidiary of Netjet Inc. and BNJ, Inc. a Delaware corporation and wholly owned subsidiary of the Boeing Aircraft Company. The owner/clients in the BNJC program have contracted with BNJC for the proper operation and maintenance of the BBJ aircraft in the BNJC fleet.

“The BBJ aircraft in the BNJC fleet will be operated in worldwide operations in accordance with the provisions of FAR part 91 or FAR part 135. Under the provisions of FAR part 91 and 135, the aircraft will be owned in whole or in part by various owners and operated by BNJC either on administrative flights, owner flights or for “on demand” charter clients.

“The people that Boeing Netjets serves are the same basic class, i.e., head of state or celebrity persons that demand privacy in our fractional aircraft program, but due to economic reasons may be interested in short term use of the aircraft.

“This petition is necessary because exemption 6820/6820A does not grant relief to FAR 25.813(e) allowing doors between passenger compartments for aircraft operated for hire. BNJC contends that FAR 25.813(e) is a certification rule and therefore should be no distinction between “Not for Hire” operation and “On Demand” charter operation.

“The owners and charter clients are familiar with executive interiors in corporate jets. These owners/clients are also used to the high levels of safety, high levels of service, i.e., VIP/head of state service, comfort and privacy that the BBJ affords with the executive interior.

“BNJC also contends that there is a greater level of safety in BNJC executive interiors which are configured for 19 or less passengers as compared to aircraft configurations that were originally considered under the exemptions 6820/6820A (30 or more passenger).

“The BNJC executive interior has the following additional features that provide for an “equivalent level of safety”.

- “A positive dual latching mechanism which holds the office door in the open position for taxi, takeoff and landing.
- “Cockpit indicator for the crew to indicate when the door is in the proper position (open and secured for taxi, takeoff and landing).
- “A frangible door type construction.
- “Except for the 3 occupants of the room, no one would have to pass through the door to reach the emergency exit.
- “The 737-700 IGW can be considered one of the larger corporate airplanes; however its cabin width available for interior rooms is still only about 12 feet. Private areas or conference rooms span the whole cabin in order to be practical. For such arrangements, privacy can only be provided by means of doors, and therefore, an exemption is needed to allow full use of the airplane capabilities without compromising safety and privacy for those onboard.

- “Flight and cabin crews are intimately familiar with the particular configuration of the airplane, the interior arrangement, emergency equipment provided, and the location and operation of the emergency exits. This is as opposed to those cases possible in a commercial airline where many different types of airplanes may be used by a single operator, and many different interior configurations of a single airplane type may be operated by a single airline.
- “Owner/client preference and requirements for custom features such as layout, materials, fabrics, fixtures, and finishes is a major driving force behind the marketability of these types of airplanes. Owner desired privacy areas on the airplane dictate the use of compartments such as board rooms, bedrooms, lavatories, and lounges rather than the traditional airline type seating arrangements featuring enclosed lavatories but wide open cabin. These features combine to create unique, one-of-a-kind interior configurations and application of many different types of materials.

“BNJ Charter requests to waive the period for public comment based on the favorable comments heard for exemption 6820/6820A.”

#### **Notice and public procedure provided:**

A summary of the petition was published in the Federal Register on March 25, 2003 (68 FR 14472). Two comments were received in support of the petition.

#### **The FAA’s analysis/summary is as follows:**

At the time Exemption Nos. 6820/6820A were granted for the Boeing Business Jets (BBJ), the FAA decided that the installation of interior doors was acceptable considering that the airplanes were going to be limited to a “private use, not-for-hire” type operation. The fundamental understanding of the BBJ operation was that they were for private use only, by heads of state and owners, who would have intimate knowledge of the airplane’s interior configuration. These same principles do not apply when the airplane is offered for “on-demand” charter operations.

The installation of an interior door has the potential to obstruct access to emergency exits as well as create a potential lack of recognition of the emergency exits located beyond the door. The current regulations do allow for the installation of interior doors, provided that passengers are not seated on both sides of the door during taxi, takeoff and landing. The FAA has concerns about interior doors being installed between passenger areas and exits and has proposed to prohibit such installations in future designs, as detailed in Notice of Proposed Rulemaking, Notice No. 96-9 (61 FR 38551, July 24, 1996). The exemptions that the FAA has granted up to now have strictly been limited to private use, for reasons previously discussed. The petitioner’s contention that the requirement is a type design requirement and therefore should not be restricted to any particular type of operation is,

in fact, reason for not granting exemptions at all, rather than supporting an exemption for fare-paying operation. Specifically, the current type certification requirements were adopted in 1967, and have prohibited installation of doors between passenger compartments since that time, for all transport category airplanes, regardless of their type of operation. Therefore, if the issue were only maintaining the standards for type certification, no exemptions would be granted.

The FAA cannot agree with the applicant's statement, "The people that Boeing Netjets serves are the same basic class, i.e., head of state or celebrity persons that demand privacy in our fractional aircraft program, but due to economic reasons may be interested in short term use of the aircraft." Although BNJC utilization may be currently limited to these types of individuals, there is no mechanism by which to limit the use of these airplanes solely to these types of individuals. A decision to grant the petitioner's request would allow BNJC to charter the airplane to any person or group capable of paying the cost of the charter.

The FAA disagrees with the applicant's contention, "BNJC contends that FAR 25.813(e) is a certification rule and therefore should be no distinction between 'Not for Hire' operation and 'On Demand' charter operation." There is no distinction drawn on airplanes that comply with the regulation. The distinction (limitation) is drawn when an exemption to the regulation is sought. The certification requirement does not allow interior doors to be located between passenger seating areas that are occupiable for taxi, takeoff and landing. While Exemption Nos. 6820/6820A granted approval for these kinds of configurations, these grants of exemptions were predicated on the types of operations in which the airplanes would be utilized. To now agree that there should be no distinction between "Not for Hire" and "On Demand" charter operations would imply that there are no differences in airplane familiarity between owners/heads of state and general fare paying passengers.

With respect to the integrity of the means used to latch doors open for takeoff and landing, the FAA considers that redundant means are necessary, as proposed. Each latching means should have the capability of retaining the door in the takeoff and landing position under the inertia forces of § 25.561. In addition, the FAA believes that the door must be frangible, as proposed, in the event that the door is closed, or closes, during an emergency landing. The applicant's proposed limitations are currently required by Exemption Nos. 6820 and 6820A and therefore do not present any further mitigating features for a door between passenger compartments. Since no further mitigating features are offered, these features are not a basis by which to grant additional relief beyond that already provided by Exemption Nos. 6820 and 6820A.

The petitioner states that "Flight and cabin crews are intimately familiar with the particular configuration of the airplane, the interior arrangement, emergency equipment provided, and the location and operation of the emergency exits." While the FAA agrees

that many of the flight and cabin crewmembers have familiarity with the airplane interiors and equipment, the operating rule, § 135.107, only requires one or more flight attendants (“cabin crew”) for aircraft carrying 20 or more passengers. Therefore a flight attendant would not be required for the proposed seating configuration of 19 passengers.

The original exemptions were issued specifically to address the private use, not for hire, not for common carriage type operations and specifically excluded common carriage types of operations, e.g., on demand charter. The safety of fare-paying passengers from the general public outweighs the perceived need for these types of amenities. The public expectation is that an airplane involved in this type of operation will meet a high level of safety commensurate with part 25, and the public does not have the same intimate knowledge of the airplane’s interior that a private owner might have. For this reason we can find no public interest for permitting the installation of interior doors between passenger compartments for part 135 on-demand charter operations. If the compartment was **not** allowed to be occupied during taxi, takeoff and landing, then it would be within the regulations to install a door, which separated the compartment from the rest of the passenger cabin. Such an arrangement would allow for privacy during flight.

In consideration of the foregoing, I find that a grant of exemption from the requirements of § 25.813(e) is not in the public interest. Therefore, pursuant to the authority contained in 49 U.S.C. 40113 and 44701, delegated to me by the Administrator, the petition of Boeing Netjet Charter Company L.L.C., for exemption from compliance with § 25.813(e), is denied.

Issued in Renton, Washington, on July 6, 2003.

/s/

Ali Bahrami  
Acting Manager,  
Transport Airplane Directorate,  
Aircraft Certification Service, ANM-100